

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

H&U104

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

not known 09/831216

INTERNATIONAL APPLICATION NO.  
PCT/EP99/07151

INTERNATIONAL FILING DATE  
25 September 1999

PRIORITY DATE CLAIMED  
5 November 1998

TITLE OF INVENTION

AGENT FOR REPELLING AND INACTIVATING PATHOGENIC ORGANISMS OF PLANTS

APPLICANT(S) FOR DO/EO/US

NEVERMANN, Jan ZERLING, Wolfgang  
HOFFLER, Jutta

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☒ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Verification of translation; power of attorney (part of Declaration)

U.S. APPLICATION NO. (IF KNOWN) <b>097831216</b> not known 37 CFR	INTERNATIONAL APPLICATION NO. <b>PCT/EP99/07151</b>	ATTORNEY'S DOCKET NUMBER <b>H&amp;U104</b>
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24. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	<b>\$1000.00</b>
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	<b>\$860.00</b>
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	<b>\$710.00</b>
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	<b>\$690.00</b>
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	<b>\$100.00</b>

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

<b>\$860.00</b>
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Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

<b>\$0.00</b>
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CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	12 - 20 =	0	x \$18.00
Independent claims	2 - 3 =	0	x \$80.00
Multiple Dependent Claims (check if applicable).		<input type="checkbox"/>	

<b>TOTAL OF ABOVE CALCULATIONS =</b>	<b>\$860.00</b>
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☒ Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

<b>\$430.00</b>
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**SUBTOTAL =**

<b>\$430.00</b>
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Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

<b>\$0.00</b>
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**TOTAL NATIONAL FEE =**

<b>\$430.00</b>
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

<input checked="" type="checkbox"/>	<b>\$40.00</b>
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**TOTAL FEES ENCLOSED =**

<b>\$470.00</b>
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Amount to be: refunded	\$
charged	\$

- a. ☒ A check in the amount of **\$470.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **500867**. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Marlana Titus  
Nash & Titus, LLC  
3415 Brookeville Road  
Suite 1000  
Brookeville, MD 20833

(301) 924-9600

SIGNATURE

Marlana Titus

NAME

35,843

REGISTRATION NUMBER

May 4, 2001

DATE

09/831216  
18 Rec'd PCT/PTO 0-4 MAY 2001

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): **Nevermann et al.**

Docket No.

**H&U104**

Serial No.  
not known

Filing Date  
**27 April 2001**

Examiner  
not known

Group Art Unit  
not known

Invention: **AGENT FOR REPELLING AND INACTIVATING PATHOGENIC ORGANISMS OF PLANTS**

I hereby certify that the following correspondence:

**Transmittal Letter to the US Designated Office Concerning a Filing Under Section 371; copy of internat'l application, claim amendments, Internat'l Preliminary Examination Report, and International Search Report and English translations of same; verification of English translations; first preliminary amendment; substitute specification; check for \$470.00; Declaration/power of attorney; assignment and recordal sheet; postcard receipt listing all enclosed items**  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

**May 4, 2001**  
(Date)

**Marlana Titus**

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

**ET034939106US**

("Express Mail" Mailing Label Number)

**Note: Each paper must have its own certificate of mailing.**